

**BEFORE THE IDAHO PUBLIC UTILITIES COMMISSION**

**IN THE MATTER OF THE APPLICATION OF ) CASE NO. EAG-W-04-2**  
**EAGLE WATER COMPANY, INC. TO AMEND )**  
**ITS CERTIFICATE OF PUBLIC ) NOTICE OF PREHEARING**  
**CONVENIENCE AND NECESSITY NO. 278. ) CONFERENCE**  
**)**  
**) NOTICE OF INTERVENTION**  
**) DEADLINE**  
**)**  
**) ORDER NO. 29560**

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On May 21, 2004, Eagle Water Company, Inc. (Eagle Water; Company) filed an Application with the Idaho Public Utilities Commission (Commission) requesting authorization to amend its Certificate of Public Convenience and Necessity No. 278 by extending the boundary of the area in which it is authorized to provide service. This proposed expansion is located in Ada County just east of Old Highway 55/Horseshoe Bend Road and immediately south of the Farmers Union Canal. Both Eagle Water and United Water Idaho Inc. (United Water) have the capability to serve the five parcels that are the subject of Eagle Water's Application. On June 8, 2004, the Commission issued a Notice of Application, Modified Procedure and Comment Deadline in this case. Order No. 29519. The Commission Staff filed Comments, to which United Water and Eagle Water replied. In this Order, the Commission sets an intervention deadline and schedules a prehearing conference as described in greater detail below.

**SUMMARY OF COMMENTS**

Given that both utilities have the capability to serve the requested parcels, Staff believes the Commission should consider which utility would provide the best service to customers over the long term. Because of Eagle Water's apparent ongoing problems in providing adequate pressure in the vicinity, Staff indicated that United Water possesses greater capability to provide the best service to the requested properties without diminishing service to its existing customers. In addition to recommending denial of Eagle Water's Application, Staff suggested that Eagle Water and United Water should negotiate further apportionment of uncertificated areas surrounding Eagle and seek a new docket to resolve any areas that cannot be agreed upon.

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United Water was not optimistic that United Water and Eagle Water could successfully negotiate apportionment of the uncertificated areas in the Eagle area. Instead, United Water recommended that the scope of this proceeding be expanded to include assignment of the remaining uncertificated areas, including the customers requesting service in this case, to the utility best able to serve. To that end, United Water recommended the Commission quickly convene a prehearing conference to more precisely identify the matters at issue and develop a procedure for resolving them. In the event the Commission adopts this recommendation, United Water filed a Motion to Intervene in this case on July 15, 2004. By the time of a prehearing conference United Water indicated it would provide definitive information regarding its ability to serve these potential customers.

Eagle Water's Reply Comments presented a chronological account of the events leading up to the temporary reduction in water pressure, which it believes demonstrates that Eagle Water acted responsibly in addressing a temporary problem that was not of its making. Eagle Water noted its commitment to getting its booster line back in service as expeditiously as possible and requested that the Commission honor the requests of the landowners that are the subject of its Application to allow Eagle Water to provide service to them. Finally, Eagle Water does not believe that the current proceeding is the appropriate venue for making broad policy decisions regarding future service of customers in the Eagle, Idaho area. Therefore, Eagle Water suggested that the appropriate time for the Commission to take up the broader issue of allocating service territory in the Eagle area is after the two companies have filed rate cases later this year to bring their service revenue in line with current service costs.

#### **NOTICE OF INTERVENTION DEADLINE**

YOU ARE HEREBY NOTIFIED that **persons desiring to intervene** in this matter for the purpose of presenting evidence or cross-examining witnesses at hearing **must file a Petition to Intervene** with the Commission pursuant to this Commission's Rules of Procedure 72 and 73, IDAPA 31.01.01.072 and -.073. Persons intending to participate at the hearing must file a Petition to Intervene **on or before Friday, September 3, 2004**. Persons desiring to present their views without parties' rights of participation and cross-examination are not required to intervene and may present their comments without prior notification to the Commission or the parties.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted pursuant to the Rules of Procedure adopted by the Idaho Public Utilities Commission. IDAPA 31.01.01.000 *et seq.*

### NOTICE OF PREHEARING CONFERENCE

Based upon our review of the Comments, the Commission finds that it does not have adequate information to make a decision on Eagle Water's Application at this time. Thus we find it is appropriate to schedule a prehearing conference in this matter to: 1) outline the issues the parties feel need to be addressed by the Commission, 2) take oral argument on whether it is necessary to commence a proceeding to allocate service area, 3) determine the nature of cost data required for the Commission to make an informed decision, 4) assess the ability of both parties to provide service of the quality expected by customers, and 5) discuss an appropriate schedule to process this case.

YOU ARE FURTHER NOTIFIED that the Commission has scheduled a prehearing conference to convene at **9:30 A.M., SEPTEMBER 22, 2004, IN THE COMMISSION'S HEARING ROOM LOCATED AT 472 W. WASHINGTON STREET, BOISE, IDAHO 83702 (334-0330).**

YOU ARE FURTHER NOTIFIED that all hearings and prehearing conferences in this matter will be held in facilities meeting the accessibility requirements of the Americans with Disabilities Act (ADA). Persons needing the help of a sign language interpreter or other assistance in order to participate in or to understand testimony and argument at a public hearing may ask the Commission to provide a sign language interpreter or other assistance at the hearing. The request for assistance must be received at least five (5) working days before the hearing by contacting the Commission Secretary at:

IDAHO PUBLIC UTILITIES COMMISSION  
PO BOX 83720  
BOISE, IDAHO 83720-0074  
(208) 334-0338 (Telephone)  
(208) 334-3762 (FAX)  
E-Mail: [secretary@puc.state.id.us](mailto:secretary@puc.state.id.us)

YOU ARE FURTHER NOTIFIED that the Application and its exhibits have been filed and are available for public inspection during regular business hours at the Commission offices. The Application and exhibits are also available on the Commission's website at [www.puc.state.id.us](http://www.puc.state.id.us) under the "File Room" icon.

YOU ARE FURTHER NOTIFIED that all hearings will be conducted pursuant to the Rules of Procedure adopted by the Idaho Public Utilities Commission. IDAPA 31.01.01.000 *et seq.*

YOU ARE FURTHER NOTIFIED that the Commission has jurisdiction over this matter pursuant to Title 61 and specifically *Idaho Code* §§ 61-503, 61-508, and 67-6528.

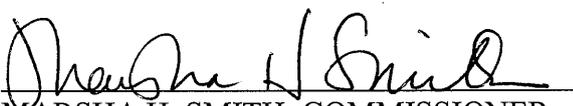
**ORDER**

IT IS HEREBY ORDERED that the foregoing scheduling be adopted and that the parties appear at the prehearing conference on September 22, 2004 at 9:30 a.m.

IT IS FURTHER ORDERED that United Water Idaho Inc.'s Petition to Intervene is granted.

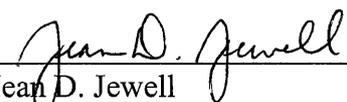
DONE by Order of the Idaho Public Utilities Commission at Boise, Idaho this 6<sup>th</sup> day of August 2004.

  
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PAUL KJELLANDER, PRESIDENT

  
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MARSHA H. SMITH, COMMISSIONER

**Out of the Office On this Date**  
DENNIS S. HANSEN, COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
Jean D. Jewell  
Commission Secretary

O: \_EAGW0402\_in2

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